

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

V.

PETER HAROLD VARLEY

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) CR. NO. 3:06CR288-MEF-WC

) [18 USC 1470;

) **18 USC 2252A(a)(1)]**

MOTION TO TRANSFER VENUE

COMES NOW the Defendant, Peter Harold Varley, by and through the undersigned counsel, and moves pursuant to Rule 21(b) of the Federal Rules of Criminal Procedure to transfer this cause from the Middle District of Alabama to the Northern District of Illinois, and in support hereof states as follows:

1. The charge is that the Defendant did certain acts relating to child pornography. Defendant believes that the evidence of the prosecution will be that the Defendant sent child pornography over the Internet from his residence in the Northern District of Illinois to an FBI computer in the Middle District of Alabama.
2. The Defendant has never resided in the Middle District of Alabama and has no acquaintances of any kind here. Defendant's principal attorney, who has represented him since 1991, practices in Chicago, and is not admitted in Alabama.

3. The Defendant was born in Chicago, Illinois, and has resided in the Chicago area all of his life. Every witness to his character and to his redemptive actions is in the Chicago area. The Defendant has been admitted to bail by a Magistrate Judge of the Northern District of Illinois, and is under the supervision of Pretrial Services in the Northern District. The Defendant's wife and daughter live with Defendant in the Chicago area, and all of the acts which the prosecution charges as having been done by the Defendant were, if they occurred, necessarily committed where the Defendant was located, in the Northern District of Illinois.
4. The prosecution's evidence may include the proceeds of a raid on Defendant's home, which occurred in December 2005. That raid occurred in the Northern District of Illinois. Any evidence of that raid would necessarily be presented by law enforcement officials who reside in the Chicago area.
5. Subsequent to the raid, the Defendant enrolled in a certain 12-Step mental health program at Lutheran General Hospital at Niles, Illinois, a short distance from his home. The evidence of his participation in the 12-step program may be material in this case at trial, or in sentencing. All of that evidence would be easily available in the Northern District of Illinois, and could be presented in this District only at great expense.
6. Defendant is not a wealthy person. His wife has worked for many years, but Defendant has not had regular employment of any significance since about 1992. Defendant has nowhere for him to stay in this District, but can reside at home during any prosecution in the Northern District of Illinois. The expense to the Defendant of

maintaining himself, his family, and any witnesses in Alabama, would be prohibitive.

7. The Criminal Docket in the Northern District of Illinois is up to date. Calendar preference for criminal cases is observed. This proceeding would not be unduly delayed if transferred.
8. Defendant submits that this Motion should be granted pursuant to Rule 21(b) of the Federal Rules of Criminal Procedure, and in particular, submits that the transfer should be granted for the convenience of the parties and witnesses and in the interests of justice.

Respectfully submitted this 2nd day of January 2007.

s/ William R. Blanchard
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CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: AUSA Tommie Hardwick, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: n/a.

Respectfully submitted,

s/ William R. Blanchard (BLA029)
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